

**REMARKS**

Claims 1-20 are pending in the application. Claims 1-16 have been rejected. Claims 1 and 10 have been amended without prejudice. Claims 17-20 have been added and do not contain new matter. Claims 40-44 have been added and do not include new subject matter. Support for the amendments and new claims can be found, for example, on page 4, lines 16-29 and Fig. 2; page 4, lines 16-17 and Fig. 1; and page 5 lines 1-15. Consideration of the application is respectfully requested in light of the following remarks.

**I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102.**

Claims 1-7 and 9-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Furst et al. (US 6,152,590). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 1 and 10 have been amended to include a rear housing. It is respectfully submitted that Furst et al. fail to teach each and every limitation of claims 1 and 10. Claims 2-7 and 9 depend from claim 1 and are, therefore not anticipated by Furst et al. Claims 11-15 depend from claim 10 and are also, therefore not anticipated by Furst et al.

Furthermore, it is noted that the lens of claim 10 comprises a convex surface, which is not taught by Furst et al. Furst et al. only disclose converging lenses 18. (Fig. 1, column 10, lines 40-45). Furst et al. do mention diverging lenses, but fail to teach a convex surface. (column 10, lines 45-48). Withdrawal of this rejection is requested for at least the above reasons.

**II. CLAIM REJECTIONS UNDER 35 U.S.C. § 102.**

Claims 1 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sommers et al. (US 6,485,160). Withdrawal of this rejection is respectfully requested for at least the following reasons.

As stated above, claim 1 has been amended to include a rear housing. Sommers et al. fail to teach such a housing. Claim 8 depends from claim 1.

Sommers et al. fail to anticipate claims 1 and 8 thus, withdrawal of this rejection is requested for at least the above reason.

**III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103.**

Claims 10 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Claire (US 6,168,288) in view of Alston (US 5,174,649). Withdrawal of this rejection is respectfully requested for at least the following reasons.

A prima facie case of obviousness requires that the cited references teach each and every claim element. As shown below, Claire and Alston do not teach all of the claim elements and, therefore, a prima facie case of obviousness is not established.

As stated above, claim 10 has been amended to include a rear housing. Claire and Alston, alone or in combination, fail to teach the rear housing of claim 10.

It is also noted that the Office Action admits that Claire does not expressly disclose that the cover comprises first and second magnifier lenses having convex surfaces. The Office Action relies on Alston for convex surfaces and suggests that it would have been obvious to use the cover with plural lenses as shown in Alston for the flashlight of Claire for the purpose of providing a desired beam spread pattern by precisely tailoring beams from the LEDs. Applicant disagrees with this statement and the suggested motivation. Alston relates to illuminating outdoor signs or traffic signals (column 1, lines 46-50) whereas Claire relates to an LED flashlight 10. Alston and/or Claire fail to suggest a motivation for combining the lens element of Alston with the flashlight of Claire.

Withdrawal of this rejection is requested for at least the above reasons.

**IV. CONCLUSION**

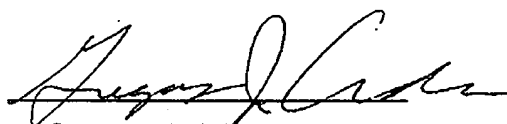
For at least the above reasons, pending claims currently under consideration are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge Deposit Account Number 05-1325.

Respectfully submitted,

By



Gregory J. Adams  
Reg. No. 44,494  
Eveready Battery Company Inc.  
25225 Detroit Road  
P.O. Box 45077  
Westlake, OH 44145  
(440)835-8148